IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1789 OF 2005

Subhash Padmakar Mahirale ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr.A.B. Bhoir, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

31st March 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Even if the prosecution case was to be accepted as it is, it appears that the Applicant as well as the deceased were seen in drunken condition and initially, on account of some dispute, altercations took place, which escalated into a situation, as has happened, where the Appolicant, after pushing the deceased,

who fell on the ground, picked up stone lying on the ground and gave two blows to the deceased with the said stone on his head and chest. Indeed, the offence is serious one. But the circumstances in which the incident has taken place, the Applicant seems to have over-reacted to the situation. As there are no antecedents against the Applicant and investigation is complete and charge sheet is filed, I am inclined to direct release the Applicant on bail on following conditions.

(A) The Applicant is directed to be released on bail in connection with CR.No.98/2004 registered with Saki Naka Police Station on executing personal bond in the sum of Rs.10,000/- (Rupees Ten thousand only) with one or two local sureties in the like amount.

(B) The Applicant shall regularly report to the investigating officer once in a month on first Satureday of every English calendar month during the pendency of the trial.

(C) The Applicant shall not influence the prosecution witnesses nor tamper with the prosecution evidence in any manner whatsoever.

(D) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for causing obstruction in early disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)